



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1998

Mr. Rus Bailey
Assistant Criminal District Attorney
Randall County Courthouse
501 16th Street
Canyon, Texas 79015

OR98-2918

Dear Mr. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119888.

The Randall County District Attorney's office received an open records request for certain information. Specifically, the requestor seeks the names, addresses, social security numbers, and telephone numbers of a sitting grand jury. Although you seek to withhold the requested information, you have raised no exception to required public disclosure with regard to this information. Moreover, you have not argued that you hold the requested information as an agent of the grand jury, so as to bring the information within the "judiciary" exemption under section 552.003(1)(B) of the Government Code. *See, e.g.*, Open Records Decision No. 411 (1984) (list of witnesses to be subpoenaed by grand jury, when held by district attorney, deemed to be in constructive possession of judiciary); *but see* Open Records Decision No. 433 (1986) (list of impaneled grand jurors held by district attorney not within constructive possession of judiciary).

We additionally note that you did not request an open records decision from this office within ten business days of receiving the open records request. Gov't Code § 552.301. When a governmental body fails to request a decision within ten business days of receiving a request for information, the information at issue is presumed public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publ'g Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See Hancock*, 797 S.W.2d at 381.

You have not shown compelling reasons why the information at issue should not be released. We therefore conclude that you must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/mjc

Ref.:ID# 119888

Enclosures: Submitted documents

cc: Mr. Herman Guetersloh
Amarillo Globe News
P.O. Box 2091
Amarillo, Texas 79166
(w/o enclosures)